

**Notice of Allowability**

Application No.

09/503,387

Examiner

Phuong Huynh

Applicant(s)

BUSFIELD ET AL.

Art Unit

1644

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 12/18/06.
2. ☒ The allowed claim(s) is/are 26-29, 33-47, 53-54, 65-68, 70-79 and 87-90.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some\* c) ☐ None of the:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
- (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
- 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
- (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

**Attachment(s)**

- |  |  |
|--|--|
| 1. <input type="checkbox"/> Notice of References Cited (PTO-892)   | 5. <input type="checkbox"/> Notice of Informal Patent Application                                |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 6. <input checked="" type="checkbox"/> Interview Summary (PTO-413),<br>Paper No./Mail Date _____ |
| 3. <input type="checkbox"/> Information Disclosure Statements (PTO/SB/08),<br>Paper No./Mail Date _____    | 7. <input checked="" type="checkbox"/> Examiner's Amendment/Comment                              |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit<br>of Biological Material | 8. <input type="checkbox"/> Examiner's Statement of Reasons for Allowance                        |
|  | 9. <input type="checkbox"/> Other _____  |

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A declaration by Mario Cloutier filed January 10, 2007, stating that all restrictions imposed by the depositor on the availability to the public of plasmid deposited with the ATCC designated as Accession Number 207180 under the Budapest Treaty will be irrevocably removed upon the issuance of a patent and the deposit will be replaced if viable samples cannot be dispensed by the repository had satisfied the deposit requirement made herein.

#### **EXAMINER'S AMENDMENT**

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.
2. Authorization for this examiner's amendment was given in a telephone interview with Mario Cloutier on January 8, 2007.
3. **In the claims:**
  - Claim 69 has been canceled.
  - Claim 33, line 1, -- conjugated -- has been inserted after "A"
  - Claim 33, line 4, -- or the binding fragment thereof -- has been inserted after "the antibody"
  - Claim 34, line 1, -- conjugated -- has been inserted after "A"
  - Claim 34, line 4, -- or the binding fragment thereof -- has been inserted after "the antibody"
  - Claim 35, line 1, "The antibody of claim 34 " has been changed to -- The conjugated antibody or binding fragment thereof of claim 34 --
  - Claim 53, line 1, "A kit comprising the antibody or fragment thereof as in" has been changed to -- A kit comprising the conjugated antibody or binding fragment thereof of --

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- Claim 54, line 1, "as in" has been changed to -- of --
  - Claim 68, lines 1-2, "a monoclonal antibody-producing cell" has been changed to -- antibody producing cells --
  - Claim 75, line 1, "as in" has been changed to -- of --
  - Claim 76, line 1, "as in" has been changed to -- of --
  - Claim 77, line 1, "as in" has been changed to -- of --
  - Claim 87, line 1, -- or fragment thereof -- has been inserted after "non-human antibody"
  - Claim 88, line 1, -- or fragment thereof -- has been inserted after "non-human antibody"
  - Claim 89, line 1, -- or fragment thereof -- has been inserted after "non-human antibody"
  - Claim 90, line 1, -- or fragment thereof -- has been inserted after "non-human antibody"
4. Claims 26-29, 33-47, 53-54, 65-68, 70-79 and 87-90 are pending and allowed.
5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Phuong Huynh "NEON" whose telephone number is (571) 272-0846. The examiner can normally be reached Monday through Friday from 9:00 am to 5:30 p.m. A message may be left on the examiner's voice mail service. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Christina Chan can be reached on (571) 272-0841. The IFW official Fax number is (703) 872-9306.
6. Any information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Phuong N. Huynh, Ph.D.

Application/Control Number: 09/503,387

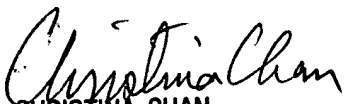
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Patent Examiner

Technology Center 1600

January 12, 2007

  
CHRISTINA CHAN  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 1600